

ORIGINAL SIGNED 12-1-03

Ms. Laurie Allen
Acting Director, Office of Protected Resources
National Marine Fisheries Service - 13th floor
1315 East-West Highway
Silver Spring, MD 20910

Dear Ms. Allen:

The Office of Pesticide Programs (OPP), US Environmental Protection Agency (EPA) respectfully requests the initiation of Endangered Species Act (ESA) section 7(a)(2) consultation. This consultation request addresses thirteen (13) Evolutionarily Significant Units (ESU's) of Pacific salmon and steelhead that have been listed as Federally endangered or threatened, and one pesticide active ingredient registered by EPA under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), for uses within the range of the listed ESUs. The pesticide active ingredient subject to this request is ***captan*** which is a non-systemic fungicide registered to control diseases in orchard crops, berries, seeds, turf and ornamentals. Our long-term intent is to make effects determinations and consult, as appropriate, relative to all listed species and locations. However, as per agreement with the National Marine Fisheries Service, this request is limited to Pacific salmon and steelhead for which NMFS has responsibility.

Based on the best data available to this office on captan usage, its environmental fate characteristics, the habitat for the individual ESU's and other information, OPP has determined that some captan uses may affect two listed Pacific salmon and steelhead ESU's; may affect but are not likely to adversely affect eleven listed Pacific salmon and steelhead ESUs; and captan use will have no effect on the remaining thirteen ESUs.

A summary table at the back of the attached analysis indicates the specific determinations made for each of the 26 ESUs. I am requesting formal consultation on our determination that use of captan may affect the Snake river sockeye salmon and the upper Columbia Chinook Salmon ESUs. I am also requesting your concurrence, under the informal consultation process, on OPP's determination that the registered use of captan is not likely to adversely affect the following ESU's: Snake river spring/summer run, Snake river fall run, upper Willamette, lower Columbia, and Puget sound Chinook; Snake river basin, upper Columbia river, Middle Columbia river, upper Willamette river, Southern California, and south-central California coast steelhead. We are not requesting any action on the part of NOAA Fisheries relative to this pesticide and the remaining thirteen ESUs since we determined captan's use would have no effect in those ESUs.

OPP is working toward a final endangered species program which is expected to be final within the next several months. We are developing county-specific bulletins to address pesticide use and endangered and threatened species. It is through such bulletins, and pesticide product

label reference to them, that OPP intends to implement and enforce protections for listed species, including any necessary protections for listed salmon and steelhead.

I look forward to working with NMFS to protect and help recover listed species. If you have any questions, please feel free to contact me on (703) 305-5239, or your technical staff may contact Dr. Michael Patterson on (703)-605-0649 or my Senior Scientist, Dr. Larry Turner on (703) 305-5354.

enclosures

Sincerely,

Arthur-Jean B. Williams, Chief
Environmental Field Branch
Field and External Affairs Division (7506C)

cc: Craig Johnson